

Notice of Allowability

Application No.

09/888,719

Examiner

Quang N. Nguyen

Applicant(s)

MALIK, DALE W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 02/11/2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 25 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20050211
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Pursuant to MPEP 606.01, the title has been changed to read:

-- SYSTEM AND METHOD FOR REGULATING EMAILS BY MAINTAINING, UPDATING AND COMPARING THE PROFILE INFORMATION FOR THE EMAIL SOURCE TO THE TARGET EMAIL STATISTICS --

3. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. John E. McGlynn on April 15th, 2005.

4. Please change claim 13 to:

A method for regulating e-mails, comprising:

maintaining statistics regarding e-mails that are received from each of a plurality of email sources that are registered to send e-mails;

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maintaining statistics regarding e-mails that are received from each of a plurality of e-mail source categories;

receiving an e-mail;

identifying a source of the e-mail;

determining if the e-mail source is one of the plurality of e-mail sources that are registered to transmit e-mails;

if the e-mail source is one of the plurality of e-mail sources that are registered,

updating the statistics maintained for the e-mail source to reflect receipt of the e-mail, and

if the updated statistics maintained for the e-mail source are not acceptable in comparison to target e-mail statistics, taking a remedial action;

if the e-mail source is not one of the plurality of e-mail sources that are registered,

updating the statistics maintained for one of the plurality of e-mail source categories to reflect receipt of the e-mail, and

if the updated statistics maintained for the one of the plurality of e-mail source categories are not acceptable in comparison to target e-mail statistics, taking a remedial action.

5. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 02/11/2005, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Bates et al. (US 6,779,021) teaches a system and method for predicting and managing undesirable electronic mail, wherein an email is received at the server, the email (the single user address or domain of the sender) is compared to an inclusion list of persons from whom emails are expected. If the email is received from a source identified in the inclusion list, the email is placed in the appropriate email folder for review by the user. If the email is not in the inclusion list, the email may go through a number of filters including determining whether the number of emails received from the email source exceeds in a predetermined time period, the email is identified as spam (**Bates, C8: L37-45 and C9: L3-16**).

However, the prior art of record fails to teach or suggest individually or in combination that a method and system for regulating e-mail comprising: *maintaining statistics regarding e-mails that are received from each of a plurality of email sources that are registered to send e-mails; maintaining statistics regarding e-mails that are received from each of a plurality of e-mail source categories;* receiving an e-mail; identifying a source of the e-mail; determining if the e-mail source is one of the plurality of e-mail sources that are registered to transmit e-mails; if the e-mail source is one of the plurality of e-mail sources that are registered, updating the statistics maintained for the e-mail source to reflect receipt

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of the e-mail, and if the updated statistics maintained for the e-mail source are not acceptable in comparison to target e-mail statistics, taking a remedial action; if the e-mail source is not one of the plurality of e-mail sources that are registered, updating the statistics maintained for one of the plurality of e-mail source categories to reflect receipt of the e-mail, and if the updated statistics maintained for the one of the plurality of e-mail source categories are not acceptable in comparison to target e-mail statistics, taking a remedial action as set forth in independent claims 1, 10, 13 and 14. Claims 1-16 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's arguments on pages 10-11 of the Remarks filed on 02/11/2005 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention including maintaining statistics regarding e-mails that are received from each of a plurality of email sources that are registered to send e-mails; maintaining statistics regarding e-mails that are received from each of a plurality of e-mail source categories; if the e-mail source is one of the plurality of e-mail sources that are registered, updating the statistics maintained for the e-mail source to reflect receipt of the e-mail, and if the updated statistics maintained for the e-mail source are not acceptable in comparison to target e-mail statistics, taking a remedial action; if the e-mail source is not one of the plurality of e-mail sources that are registered, updating the statistics maintained for one of the plurality of e-mail source categories to reflect receipt of the e-mail, and if the updated statistics

maintained for the one of the plurality of e-mail source categories are not acceptable in comparison to target e-mail statistics, taking a remedial action as claimed in the invention to allow the system regulating e-mails by defining a profile for the registered source identifying the amounts and types of e-mails that are acceptable from a particular source (*such as a particular sender or forwarding domain*) and/or a particular source category (*such as large, medium, or small ISP, .gov domain, .edu domain, .com domain, etc.*); recognizing junk messages and limiting the amount that is received in a given period to reduce the amount of SPAM received by user; and to preserving scarce system resources for legitimate messages (see **Summary of the Invention, pages 3-6**).

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Examiner's Amendment."

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER